

CENTELL COLONZO MCNEIL, Plaintiff, v. Civil Action No.: 3'.15 < 75 | **BIAGGI PRODUCTIONS, LLC,** and) Removed from Case No. 760CL15004577-00 JUAN A. DAVILA,) In the Circuit Court for the City of Richmond Defendants.

Richmond Division

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Defendants Biaggi Productions, LLC ("Biaggi") and Juan A. Davila ("Davila"), by filing this Notice of Removal and related papers, removes this action from the Circuit Court for the City of Richmond to the United States District Court, Eastern District of Virginia, Richmond Division, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332.

- 1. On November 2, 2015, Plaintiff Centell Colonzo McNeil ("Plaintiff") filed a civil action against Biaggi and Davila in the Circuit Court for the City of Richmond, entitled Centell Colonzo McNeil v. Biaggi Productions, LLC and Juan A. Davila Case No. 760CL15004577-00.
- 2. On or after November 17, 2015, the defendants were served with the Summons and Complaint via the Secretary of the Commonwealth. True and correct copies of all process and pleadings upon the defendants are attached hereto as Exhibit A. There have been no further pleadings or proceedings in this matter.

3. This Notice of Removal is timely filed within 30 days after receipt by the defendants of the Summons and Complaint, pursuant to 28 U.S.C. § 1446(b).

DIVERSITY OF CITIZENSHIP

- 4. This Court has original subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332 and this case may be removed to this Court by the defendants pursuant to 28 U.S.C. § 1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs, and is between citizens of different states.
- 5. Plaintiff is a citizen of the Commonwealth of Virginia. See Ex. A, Plaintiff's Complaint, ¶ 1.
- 6. Plaintiff seeks purported monetary damages in the amount of \$12,000,000.00 and other relief for alleged conduct of the defendants. See Ex. A, prayer for relief.
- 7. Defendant Biaggi is a limited liability company formed under the laws of the State of Florida. See Ex. A, ¶ 2. See Exhibit B, Biaggi Articles of Organization.
- 8. Defendant Davila is a citizen of the State of Florida. See Ex. A, ¶ 3
- 9. Biaggi is headquartered in Fort Lauderdale, Florida, and its business and corporate governance activities occur from that location, making Florida its principal place of business. *See Hertz v. Friend*, 130 S.Ct. 1181, 1192 (2010).
- 10. Accordingly, Biaggi is a citizen of Florida.
- 11. The diversity of citizenship between the parties is acknowledged in the Plaintiff's Complaint. Ex. A, ¶¶ 1-3.
- 12. Based on the preceding facts, this Court has original subject matter jurisdiction, based on diversity of citizenship, over this case pursuant to 28 U.S.C. § 1332, and this case is therefore properly removable to this Court pursuant to 28 U.S.C. § 1441.

13. Defendants Biaggi Productions, LLC and Juan A. Davila state that true and correct copies of this Notice of Removal will be filed with the Clerk in the Circuit Court for the City of Richmond, Commonwealth of Virginia, promptly after filing of this Notice of Removal. 28 U.S.C. § 1446(d).

BIAGGI PRODUCTIONS, LLC, AND JUAN A. DAVILA

By Bull Counsel

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CERTIFICATE OF SERVICE

A copy of this notice was served by both mail and facsimile upon the following counsel for defendants on December 9, 2015:

13/16/P.11/

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